

ABSTRACT OF JUDGMENT

STATE OF TEXAS

INDEXING INFORMATION

Grantors: MBH Real Estate LLC
 Anson Financial Inc.
 AFI Loan Servicing LLC
 J. Michael Ferguson PC

Grantee(s): Ghrist Law Firm PLLC
 67th Judicial District Court of Tarrant County, Texas

COUNTY OF TARRANT

Case Number Chronology:

Date	Event	Case Number
9/20/2017	Original Case Filed	236-295012-17 – this was the original case number
9/17/2018	Case transferred from 236 th District Court to 141 st District Court	Case Number changed from 236-295012-17 to 141-295012-17
06/13/2019	Sendera Defendants severed into a different case number	All claims related to the Sendera Defendants were severed out of Case Number 141-295012-17 and became Case Number 141-295012-17 Judgement became final upon severance in the new Case Number
09/16/2019	Ghrist Defendants severed into a different case number	All claims related to the Ghrist Defendants were severed out of Case Number 141-295012-17 and became Case Number 141-311209-19 Judgment became final upon severance in the new Case Number
9/24/2018	Original case ended	The original case with the remaining defendants ended in an order of dismissal with prejudice of Cause Number 141-295012-17
9/3/2020	Cause Number 141-311209-19 transferred from 141 st District Court to 67 th District Court	Case Number changed from 141-311209-19 to 067-311209-19

On the 9th day of May, 2019, the 141st Judicial District Court of Tarrant County, Texas, in Cause Number 141-295012-17 styled *MBH Real Estate LLC, AFI Loan Servicing LLC, Anson Financial Inc., and J. Michael Ferguson PC v. Ghrist Law Firm PLLC et. al.*, signed an order awarding monetary judgment to Ghrist Law Firm PLLC against MBH Real Estate LLC, AFI Loan Servicing LLC, Anson Financial Inc., and J. Michael Ferguson PC. On August 28th, 2020, Judge Chupp of the 141st District Court recused himself and, as a result, the case was transferred to Judge Cosby in the 67th Judicial District Court of Tarrant County, Texas by order signed by David L. Evans, the Presiding Judge for the Eighth Administrative Judicial Region of Texas, on September 3rd, 2020. The new cause number in the 67th District Court became 067-311209-19. On May 26th, 2020, the 141st Judicial District Court signed an order imposing a monetary sanction on MBH Real Estate LLC, AFI Loan Servicing LLC, Anson Financial Inc., and J. Michael Ferguson PC for failure to comply with post-judgment discovery. On November 19th, 2020, the 67th District Court signed an order imposing an additional monetary sanction for the continued failure to comply with post-judgment discovery.

Furthermore, the foregoing lawsuit was originally filed in the 236th Judicial District Court on 9-20-2017 under Cause Number 236-295012-17. On 9-13-2018, Judge Lowe recused, *sua sponte*, resulting in Judge R. H. Wallace, Jr., Acting Presiding Judge for the Eighth Administrative Judicial Region of Texas, signing an order on 9-17-2018 transferring Cause Number 236-295012-17 to Cause Number 141-295012-17 in the 141st Judicial District Court.

The amounts currently due from MBH Real Estate LLC, AFI Loan Servicing LLC, Anson Financial Inc., and J. Michael Ferguson PC to Ghrist Law Firm PLLC are as follows:

Order signed 9-11-2019	\$17,043.75 jointly and severally owed by MBH Real Estate LLC, AFI Loan Servicing LLC, Anson Financial Inc., and J. Michael Ferguson PC to Ghrist Law Firm PLLC
	\$97,623.75 jointly and severally owed by MBH Real Estate LLC, AFI Loan Servicing LLC, Anson Financial Inc., and J. Michael Ferguson PC to Ghrist Law Firm PLLC
	Subtotal: \$114,667.50
	Interest on Subtotal: \$17.28 per day for each day after 9-11-2019
	\$6,300.00 owed by Anson Financial Inc. to Ghrist Law Firm PLLC
	\$9,197.50 owed by Anson Financial Inc. to Ghrist Law Firm PLLC
	Subtotal: \$15,497.50
	Interest on Subtotal: \$2.34 per day for each day after 9-11-2019
	\$10,217.50 owed by MBH Real Estate LLC to Ghrist Law Firm PLLC
	Subtotal: \$10,217.50

	<p>Interest on Subtotal: \$1.54 per day for each day after 9-11-2019</p> <p>\$15,000.00 jointly and severally owed by MBH Real Estate LLC, AFI Loan Servicing LLC, Anson Financial Inc., and J. Michael Ferguson PC to Ghrist Law Firm PLLC</p> <p>Subtotal: \$15,000.00</p> <p>Interest on Subtotal: \$2.26 per day for each day after 12-2-2020 (date of oral argument when most of the work had been completed for the appeal)</p> <p>Total owed under the 9-11-2019 order: \$155,382.50 plus interest</p>
Order signed 5-26-2020	<p>\$500.00 jointly and severally owed by MBH Real Estate LLC, AFI Loan Servicing LLC, Anson Financial Inc., and J. Michael Ferguson PC to Ghrist Law Firm PLLC</p>
Order signed 11-19-2020	<p>\$11,175.00 jointly and severally owed by MBH Real Estate LLC, AFI Loan Servicing LLC, Anson Financial Inc., and J. Michael Ferguson PC to Ghrist Law Firm PLLC</p> <p>And \$200.00 per day jointly and severally owed by MBH Real Estate LLC, AFI Loan Servicing LLC, Anson Financial Inc., and J. Michael Ferguson PC to the Court for each date after 11-19-2020 that MBH Real Estate LLC, AFI Loan Servicing LLC, Anson Financial Inc., and J. Michael Ferguson PC fail to comply with the Court's order signed 5/26/2020</p>
Court costs	<p>\$3,731.00 from the spreadsheet filed 1-27-2020 jointly and severally owed by MBH Real Estate LLC, AFI Loan Servicing LLC, Anson Financial Inc., and J. Michael Ferguson PC to Ghrist Law Firm PLLC</p> <p>Subtotal: \$3,731.00</p> <p>Interest on Subtotal: \$0.56 per day since 9-11-2019</p> <p>\$592.00 paid to Tina Fett on 1-17-2020 for supplemental reporter's record</p> <p>\$212.00 paid on or about 1-21-2020 for the supplemental clerk's record</p> <p>Subtotal: \$804.00</p> <p>Interest on Subtotal: \$0.12 per day since 1-21-2020</p> <p>Court costs (may continue to accrue and subject to adjustment upon receipt of a bill of costs): \$4,535.00 plus interest</p>
	<p>Total due to Ghrist Law Firm PLLC under all orders to date: \$171,592.50 plus interest</p>

	Total due to the Court: \$200.00 per day jointly and severally owed by MBH Real Estate LLC, AFI Loan Servicing LLC, Anson Financial Inc., and J. Michael Ferguson PC to the Court for each date after 11-19-2020 that MBH Real Estate LLC, AFI Loan Servicing LLC, Anson Financial Inc., and J. Michael Ferguson PC fail to comply with the Court's order signed 5/26/2020
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1. The names and addresses of each judgment creditor are

Ghrist Law Firm PLLC
2735 Villa Creek Drive, Suite 140
Farmer's Branch, Texas 75234

The 67th Judicial District Court of Tarrant County, Texas
Tom Vandergriff Civil Courts Building, 4th Floor
100 North Calhoun Street
Fort Worth, Texas 76196
817-884-1452

2. The name, address, and telephone number of the attorney for the party-in-judgment is

Ghrist Law Firm PLLC and Ian Ghrist
2735 Villa Creek Drive, Suite 140
Farmers Branch, Texas 75234
817-778-4136

3. The names and addresses of each judgment debtor, together with the birthdate and last three numbers of each debtor's driver's license and social security numbers, where available are

Anson Financial Inc. 62 Main Street, Suite 310 Colleyville, Texas 76034 817-267-1007 Fax 817-485-1117 No birthdate No driver's license Last three digits of EIN: x741	MBH Real Estate LLC 62 Main Street, Suite 310 Colleyville, Texas 76034 817-267-1007 Fax 817-485-1117 No birthdate No driver's license Last three digits of EIN: x410
AFI Loan Servicing LLC 62 Main Street, Suite 310 Colleyville, Texas 76034 817-267-1007 Fax 817-485-1117 No birthdate No driver's license Last three digits of EIN: unknown	J Michael Ferguson PC 62 Main Street, Suite 310 Colleyville, Texas 76034 817-267-1007 Fax 817-485-1117 No birthdate No driver's license Last three digits of EIN: x373

SIGNED on this the 7th day of April, 2021.

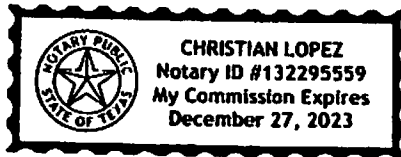
Ian Ghrist

Ian Ghrist, Attorney

State of Texas §

County of ~~Dallas~~ Tarrant §

This instrument was acknowledged before me on the 7th day of April, 2021 by Ian Ghrist.



Christian Lopez
Notary Public

141-295012-17

Cause No. 141-295012-17

FILED
TARRANT COUNTY
8/9/2019 1:32 PM
THOMAS A. WILDER
DISTRICT CLERK

MBH REAL ESTATE LLC,
AFI LOAN SERVICING, LLC,
ANSON FINANCIAL, INC.,
J. MICHAEL FERGUSON, P.C.
Plaintiffs

V.

IAN GHRIST, GHRIST LAW FIRM, PLLC,
SHAWN COKER, NEIGHBORHOOD PARTNER,
INC., BLUE MOON REALTY GROUP, LLC,
WIZARD FUNDING, LLC, SILVER STAR TITLE
, LLC DBA SENDERA TITLE, ELIZABETH
ESPINO, KATHY E. MONTES, AND LUCY
OLIVAS
Defendants

§ IN THE DISTRICT COURT

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141st JUDICIAL DISTRICT

THOMAS A. WILDER
DISTRICT CLERK

2019 SEP 13 PM 12:22

FILED
TARRANT COUNTY

§ TARRANT COUNTY, TEXAS

ORDER ON IAN GHRIST'S AND GHRIST LAW FIRM PLLC'S

REQUESTS FOR ATTORNEY'S FEES, COSTS, AND SANCTIONS

CAME ON TO BE HEARD, the above-referenced matter. Upon consideration of the pleadings, arguments, evidence, and filings, the Court GRANTS the relief as stated herein. In this instrument, references to awards to Ian Ghrist and Ghrist Law Firm PLLC shall mean that relief is awarded to both entities, however, the award shall be a single recovery, jointly and severally, against those entities against whom the award is taken.

The Court has reviewed the Mandate of the Second Court of Appeals dated September 5th, 2018, the fee affidavit attached as Exhibit A to the motion filed 3/26/2019, the fee affidavit attached as Exhibit 1 to the supplement filed 5/20/2019, the fee affidavit attached as Exhibit M to the motion filed 1/17/2019, the fee affidavit attached as Exhibit D to the motion filed 10/16/2017, the fee invoice attached as Exhibit 4 to the supplement filed 5/20/2019, and other relevant filings or evidence, and, in accordance therewith, awards \$17,043.75 in legal fees to Ian Ghrist and Ghrist Law Firm PLLC against MBH Real Estate LLC, Anson Financial Inc., AFI

E-MAILED
9/13/19
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Loan Servicing LLC, and J. Michael Ferguson P.C. for the defamation or libel claims dismissed pursuant to the Mandate.

The Court awards \$6,300.00 in legal fees for defense of the claims related to the \$129,000 Yammine Tax Loan against Anson Financial Inc. to Ian Ghrist and Ghrist Law Firm PLLC.

The Court further awards \$9,197.50 in legal fees for defense of the claims entitled “The Ghrist Defendants’ Breaches of Fiduciary Duties and Tortious Interference to Anson Financial Inc. Related to the Alvord 287 Joint Venture” against Anson Financial Inc. to Ian Ghrist and Ghrist Law Firm PLLC.

The Court finds that a sanctions award is mandatory, under Tex. Civ. Prac. & Rem. Code Ann. § 27.009, when a Texas Citizen’s Participation Act (TCPA) motion to dismiss is granted. *See Tatum v. Hersh*, 559 S.W.3d 581, 587 (Tex. App.—Dallas 2018, no pet.). The Court finds that after MBH Real Estate LLC, Anson Financial Inc., AFI Loan Servicing LLC, and J. Michael Ferguson P.C. had claims dismissed pursuant to the TCPA, Anson Financial Inc. chose to file additional claims, twice, subject to dismissal pursuant to the TCPA. Under the circumstances of this case, where three TCPA motions were granted in the same lawsuit, and for other reasons as explained in the motions and evidence, sanctions should be awarded against MBH Real Estate LLC, Anson Financial Inc., AFI Loan Servicing LLC, and J. Michael Ferguson P.C. (all companies owned and controlled by J. Michael Ferguson). Sanctions should be awarded, pursuant to Tex. Civ. Prac. & Rem. Code 27.009, and this Court’s inherent power to sanction, as the Court determines sufficient to deter the party who brought the legal action from bringing similar actions described in Chapter 27 of the Texas Civil Practice and Remedies Code. The

Court has awarded \$32,541.25 in legal fees related to causes of action dismissed pursuant to the TCPA.

The Court awards sanctions, pursuant to the TCPA and under the Court's own power to award sanctions, of \$97,623.75, being three times the amount of fees awarded under the three granted TCPA motions to dismiss. Accordingly, the Court awards the foregoing sanctions against MBH Real Estate LLC, Anson Financial Inc., AFI Loan Servicing LLC, and J. Michael Ferguson P.C., jointly and severally, in favor of Ian Ghrist and Ghrist Law Firm PLLC.

The Court finds, pursuant to Tex. Bus. & Com. Code Ann. § 17.50(c), that the claims under the Texas Deceptive Trade Practices Act (DTPA) were "groundless in fact or law or brought in bad faith, or brought for the purpose of harassment" and accordingly, awards attorney's fees and court costs to Ian Ghrist and Ghrist Law Firm PLLC in accordance with Tex. Bus. & Com Code § 17.50(c). The Court makes such finding for the reasons stated in Pages 13 to 16 of Exhibit A to the motion filed 3/26/2019, and for such other reasons as are contained in the pleadings, record, and evidence in this case. Accordingly, the Court awards \$10,217.50 in attorney's fees to Ian Ghrist and Ghrist Law Firm PLLC against MBH Real Estate LLC on the DTPA claims.

The Court awards post judgment interest on all amounts awarded herein at the statutory rate of 5.50% per annum.

The Court further finds that Ian Ghrist and Ghrist Law Firm PLLC shall recover \$15,000.00 in additional legal fees in the event of an appeal to the Court of Appeals, and \$10,000.00 in the event of an application for writ of error to the Texas Supreme Court, and \$15,000.00 in the event of briefing on the merits to the Texas Supreme Court.

Taxable court costs, including the costs of the appeal to the Second District of Texas Fort Worth Court of Appeals under Cause No. 02-17-00411-CV, are awarded to Ian Ghrist and Ghrist Law Firm PLLC against MBH Real Estate LLC, AFI Loan Servicing LC, Anson Financial Inc., and J. Michael Ferguson P.C. pursuant to the Mandate and otherwise. The Plaintiffs' motion for recovery of Plaintiffs' attorney's fees is denied.

This judgment is partial and interlocutory in nature because the Coker parties have a counterclaim that remains pending at this time.


SIGNED on this the 11 day of September, 2019.



Judge Presiding

5-27-20 VO

SIGNED on this the 26 day of May, 2020.



Judge Presiding

067-311209-19

FILED
TARRANT COUNTY
11/19/2020 12:28 PM
THOMAS A. WILDER
DISTRICT CLERK

Cause No. 067-311209-19

**MBH REAL ESTATE LLC,
AFI LOAN SERVICING, LLC,
ANSON FINANCIAL, INC.,
J. MICHAEL FERGUSON, P.C.
Plaintiffs**

§ **IN THE DISTRICT COURT**

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V.

§ **67th JUDICIAL DISTRICT**

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**GHRIST LAW FIRM, PLLC ET. AL.
Defendants**

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§ **TARRANT COUNTY, TEXAS**

ORDER AS TO SANCTIONS AND CONTEMPT

CAME ON TO BE HEARD the Defendants' Motion to Have J. Michael Ferguson *Et. Al.* Held in Contempt of Court and for Sanctions. The motion is GRANTED.

J. Michael Ferguson PC, AFI Loan Servicing LLC, Anson Financial Inc., and MBH Real Estate LLC are referred to hereinafter as the "Ferguson Parties."

In connection therewith, the Court makes the following orders and findings:

MBH Real Estate LLC; AFI Loan Servicing LLC; Anson Financial Inc.; and J. Michael Ferguson PC are in contempt of court for failure to comply with this Court's order signed 5/26/2020. This Court has previously found that those entities are owned and controlled by J. Michael Ferguson. Mr. Ferguson was present at the hearing wherein he was ordered to comply with the order signed 5/26/2020 by complying with the discovery requests served 12/4/2019 being the discovery requests referenced in the Defendants' motion to compel. Mr. Ferguson was also present at the hearing held in the 141st District Court on 8/27/2020 and had opportunity to show cause as to why he should not be held in contempt or sanctioned. The foregoing willfully and intentionally failed to comply with this Court's order.

The Court has considered several matters, including but not limited to (1) the Ferguson Parties made no effort, not even a perfunctory effort, to comply with the discovery requests (2) the Ferguson Parties were given additional time at the first motion to compel hearing on 2/21/2020 to serve objections to the discovery requests and declined to do so (3) the Ferguson Parties were previously sanctioned by this Court for the reasons set forth in the appellate and trial record, (4) a \$500 award of costs/fees to the Defendants on 5/26/2020 was ineffective in securing compliance with this Court's order, (5) the various mandamus petitions filed appear to have little to no merit and appear to have been denied almost immediately, (6) the Ferguson Parties have otherwise demonstrated disregard for discovery and other responsibilities both prior to final judgment and after final judgment in this case and in the case that this case was severed from as set forth in the appellate briefs and in the appellate record as well as the trial court records.



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Donald J. Cosby
Judge Presiding

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